

1 IRELL & MANELLA LLP
2 Morgan Chu (SBN 70446)
3 Benjamin W. Hattenbach (SBN 186455)
4 Michael D. Harbour (SBN 298185)
5 1800 Avenue of the Stars, Suite 900
6 Los Angeles, California 90067-4276
7 Telephone: (310) 277-1010
8 Facsimile: (310) 203-7199
9 Email: mchu@irell.com
10 Email: bhattenbach@irell.com
11 Email: mharbour@irell.com

12 A. Matthew Ashley (SBN 198235)
13 Olivia Weber (SBN 319918)
14 840 Newport Center Drive, Suite 400
15 Newport Beach, California 92660-6324
16 Telephone: (949) 760-0991
17 Facsimile: (949) 760-5200
18 Email: mashley@irell.com
19 Email: oweber@irell.com

20 *Counsel for Defendants*
21 FORTRESS INVESTMENT GROUP LLC,
22 FORTRESS CREDIT CO. LLC,
23 VLSI TECHNOLOGY LLC

24 **UNITED STATES DISTRICT COURT**
25 **NORTHERN DISTRICT OF CALIFORNIA**

26 17 INTEL CORPORATION and APPLE INC.,

27 18 Plaintiffs,

28 19 v.

20 FORTRESS INVESTMENT GROUP LLC,
21 FORTRESS CREDIT CO. LLC, UNILOC
22 2017 LLC, UNILOC USA, INC., UNILOC
23 LUXEMBOURG S.A.R.L., VLSI
24 TECHNOLOGY LLC, INVIT SPE LLC,
25 INVENTERGY GLOBAL, INC., DSS
TECHNOLOGY MANAGEMENT, INC., IXI
IP, LLC, and SEVEN NETWORKS, LLC,

26 Defendants.

27 Case No. 3:19-cv-07651-LB

28 **DEFENDANTS' RESPONSE IN SUPPORT
OF ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

1 Pursuant to Civil Local Rule 3-12(e), defendants Fortress Investment Group LLC, Fortress
 2 Credit Co. LLC, and VLSI Technology LLC (collectively “Defendants”) file this response in
 3 support of Intel Corporation’s (“Intel”) Administrative Motion to Consider Whether Cases Should
 4 Be Related (Dkt. 7).

5 On October 21, 2019, Intel filed a complaint against Defendants alleging violations of
 6 federal antitrust law and California’s unfair competition law. *Intel Corporation v. Fortress*
 7 *Investment Group LLC, et al.*, Case 5:19-cv-06856 (the “First Antitrust Case”) (complaint attached
 8 hereto as Exhibit A). The complaint asserted that Defendants had engaged in a supposed
 9 anticompetitive scheme to acquire “weak” patents and then bring allegedly “meritless” patent
 10 infringement lawsuits against Intel and other entities. On November 20, 2019, Intel voluntarily
 11 dismissed its complaint. *See id.* Later that same day, Intel and Apple, Inc. filed a new complaint
 12 in the present action against Defendants and seven additional entities containing many similar
 13 allegations. Dkt. 1.

14 The First Antitrust Case and the present action are related. Both complaints are based on
 15 the theory that defendants have engaged in an alleged scheme to aggregate supposedly “weak”
 16 patents and bring “meritless” patent infringement actions. *Compare* Ex. A ¶¶ 8, 144-63 *with* Dkt.
 17 1 ¶¶ 9, 172-85. Both complaints assert claims under the Sherman Act and California’s Unfair
 18 Competition Law. The complaints share several common defendants and a common plaintiff
 19 (Intel), and the alleged witnesses referenced in the two complaints are largely the same. In
 20 addition, both complaints contain the same broad prayer for relief that would include, if granted,
 21 “voiding” dozens of contracts, including contracts involving non-parties to this case.

22 For the reasons stated above, the present action should be related to the First Antitrust
 23 Case.

24 Dated: November 22, 2019

Respectfully submitted,

25 IRELL & MANELLA LLP

26 By: /s/A. Matthew Ashley

27 *Counsel for Defendants*

28 FORTRESS INVESTMENT GROUP LLC,
 FORTRESS CREDIT CO. LLC,
 VLSI TECHNOLOGY LLC